

COASTAL CONSERVANCY

Staff Recommendation  
December 11, 2003

**CARBON-LA COSTA BEACH SCENIC VISUAL ACCESS ACQUISITION**

File No. 03-148  
Project Manager: Marc Beyeler

**RECOMMENDED ACTION:** Adoption of the Carbon-La Costa Beach Acquisition Mitigated Negative Declaration and Monitoring Program and authorization to disburse up to \$1,250,000 to acquire a vacant parcel located at 21724 Pacific Coast Highway, Malibu for scenic visual and passive public access.

**LOCATION:** Malibu, Los Angeles County

**PROGRAM CATEGORY:** Public Access

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**EXHIBITS**

- Exhibit 1: Project Location and Site Map
  - Exhibit 2: Initial Study/Mitigated Negative Declaration
  - Exhibit 3: Willing Seller Letter
  - Exhibit 4: Carbon-La Costa Beach Access Dedication Staff Recommendation
  - Exhibit 5: Letters of Support
  - Exhibit 6: Mitigation and Monitoring Program
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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

"The State Coastal Conservancy hereby adopts the Carbon-La Costa Beach Acquisition Mitigated Negative Declaration, attached to the accompanying staff recommendation as Exhibit 2; adopts the Mitigation and Monitoring Program for the Carbon-La Costa Beach Acquisition, attached to the accompanying staff recommendation as Exhibit 6; and authorizes the disbursement of an amount not to exceed one million two hundred fifty thousand dollars (\$1,250,000) to acquire a vacant parcel located at 21724 Pacific Coast Highway, Malibu (Los Angeles County Assessor Parcel No. 4451-004-031) for scenic visual and passive public access, as more specifically

## CARBON-LA COSTA BEACH SCENIC VISUAL ACCESS ACQUISITION

described in Exhibit 1 to the accompanying staff recommendation, subject to the following conditions:

1. Prior to the disbursement of any funds for the acquisition of the property the State Public Works Board shall authorize the acquisition of the property pursuant to the Property Acquisition Law (Government Code Sections 15750 *et seq.*)
2. The property shall be dedicated for scenic visual and passive public access.
3. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been reviewed and approved by the Conservancy's Executive Officer.
4. The Conservancy shall pay no more than fair market value for the property as established in an appraisal approved by the California Department of General Services."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Public Resources Code Sections 31400 *et seq.* regarding public access to the coast.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project serves greater than local need.
4. The Conservancy has reviewed the proposed Mitigated Negative Declaration attached to the accompanying staff recommendation as Exhibit 2, and finds that the project avoids, reduces or mitigates the possible significant effects and that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.
5. There is no evidence before the Conservancy that the project will have a potentially adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2.
6. The Conservancy, has on the basis of substantial evidence, rebutted the presumption of adverse effect contained in 14 California Code of Regulations Section 753.5(d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2."

### **PROJECT SUMMARY:**

This authorization would enable the Conservancy to acquire a vacant parcel located at 21724 Pacific Coast Highway, Malibu for scenic visual and passive public access. This vacant parcel is located immediately adjacent to another vacant parcel dedicated to and accepted by the Conservancy on April 27, 2000 as part of the Coastal Commission's coastal development permit amendments numbers 4-99-146-A2, 4-99-185-A and 4-99-266-A, allowing for off-site mitigation of visual access conditions for the construction of three private residences (Broad, Gamma and Daly, respectively) on Carbon Beach in Malibu.



## CARBON-LA COSTA BEACH SCENIC VISUAL ACCESS ACQUISITION

The combination of the proposed project acquisition and the dedicated parcel includes nearly 500 feet of public access to the Malibu coastline on the west side of Pacific Coast Highway, directly implementing the Conservancy's goal of opening new beach access in Malibu. No improvements would be constructed on the proposed acquisition site; this site, due to its character as a cobble beach just east of the point formed by Coal Creek, would be used for visual and passive public access.

The Conservancy's efforts to open new beach access has been thwarted by the lack of appropriate open sites within the densely developed area of Malibu along Carbon and La Costa beaches. This site offers a rare opportunity to purchase land from a private landowner and use it for passive and visual public access.

In fact, many miles of the Malibu coastline are inaccessible to the public. The proposed access location would provide the only public beach access in almost three miles of coastline. The nearest public beach is approximately 1.3 miles to the west at the Zonker Harris Accessway, operated by Los Angeles County. Acquisition of this beach property would create a new opportunity for coastal access in a location of Malibu where public access is very limited.

Staff anticipates entering into an agreement with a local, yet unidentified, entity to provide property management services.

**Site Description:** The proposed property is a vacant oceanfront parcel at 21724 Pacific Coast Highway (PCH) near the intersection of Rambla Vista (Exhibit 1). The property is a narrow sand and cobble beach currently separated from PCH by chain link and metal fences and various rip-rap boulders and concrete rubble atop a narrow shelf of soil. The property is just to the east of a cobble beach point formed by the creek outlet at the end of Carbon Beach from Coal Creek.

The property is bordered by on-site parking along PCH. Just west of the property line on the south side of PCH is an on-street bus stop operated by the Los Angeles County Metropolitan Transit Agency. Directly across PCH to the north, there is a residential neighborhood served by PCH and Rambla Vista Street. To the west approximately 700 feet is a signalized intersection with pedestrian crossing. Also at this location there is a County Fire Station with emergency medical response capability. The property affords access primarily to La Costa beach although, at low tide, access is available to Carbon beach.

The property provides the only visual access to Santa Monica Bay for a distance of almost 2 miles to the east and greater than one mile to the west.

**Project History:** On April 27, 2000 the Conservancy accepted the dedication of the parcel immediately adjacent to the east at 21704 Pacific Coast Highway (see Exhibit 4) (the dedication parcel). The dedication parcel satisfies three coastal development permit conditions to provide visual and vertical public access to La Costa and Carbon beaches along Santa Monica Bay.

To complement the dedication parcel's visual and vertical public access opportunities through the addition of more passive and visual access, staff contacted the proposed parcel's owner, who is willing to sell to the State on behalf of the Conservancy. See Exhibit 3 for landowner letter.

### **PROJECT FINANCING:**

Coastal Conservancy	\$1,250,000
<b>Total Project Cost</b>	<b>\$1,250,000</b>



The anticipated funding source for this authorization would be from Proposition 40, the California Clean Water, Air, Safe Neighborhood Parks and Coastal Protection Fund for coastal access and urban waterfront projects.

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

Consistent with Public Resources Code Sections 31400 *et seq.*, the Conservancy has a principal role in the implementation of a system of public accessways to and along the California coastline and may provide up to the total cost of the acquisition of land to acquire fee title to assure an adequate system of public accessways.

**CONSISTENCY WITH CONSERVANCY'S  
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 2, Objective A**, the proposed project would acquire a vacant parcel to protect open space and views. Consistent with **Goal 2, Objective B**, the project would open an area that is currently inaccessible or closed to public use while respecting the rights of nearby land-owners and the need to minimize impacts on sensitive natural resources.

**CONSISTENCY WITH CONSERVANCY'S  
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** Public support for coastal access in Malibu is strong. Several public interest groups supported the Conservancy's acceptance of the adjacent dedication parcel at 21704 Pacific Coast Highway. The proposed acquisition is supported by the Coastal Commission (See Letter of Support, Exhibit 5). Many neighbors, and neighboring property and home-owners, are strongly opposed to the development of public access at this location.
4. **Location:** The proposed project would be located within the coastal zone of Malibu along a portion of beach currently inaccessible to the public. Development of vertical coastal access at the adjacent vacant parcel is included in the adopted Local Coastal Plan for Malibu.
5. **Need:** Along nearly five miles of coastline in Malibu there is currently no vertical public access and extremely limited scenic and visual access. The subject property is the only remaining vacant parcel along this portion of the Malibu coastline.
6. **Greater-than-local interest:** Providing increased public access in Malibu is of statewide interest as this is an important portion of Santa Monica Bay, which has inadequate public access.



**Additional Criteria**

7. **Urgency:** The property is currently on the market for sale. The property owner is a willing seller at this time, but may be open to offers from private parties to purchase the property for private purposes.
12. **Readiness:** Upon approval of the Conservancy, the property owner is willing to enter into a purchase agreement. The property owner expresses a desire to complete the transaction as soon as possible.
13. **Realization of prior Conservancy goals:** See the "Project History" section above.

**CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The project is consistent with the Malibu Local Coastal Program adopted by the California Coastal Commission on September 13, 2002. The Local Coastal Program Land Use Plan designates vertical access to La Costa Beach. Specifically, the Plan states, "improve and open parcel at 21704 Pacific Coast Highway at the western end" of La Costa Beach. This property is immediately adjacent to the designated vertical access parcel and would complement the goals of the Local Coastal Program by providing for enhanced visual and scenic access, as well as improved passive public access.

**COMPLIANCE WITH CEQA:**

The Carbon-La Costa Beach Acquisition Initial Study/Proposed Mitigated Negative Declaration (Exhibit 2) was prepared for the Conservancy by Jones and Stokes in Fall 2003. On October 30, 2003, Conservancy staff circulated for public review and comment the proposed Mitigated Negative Declaration (MND). Staff published a notice of the proposed MND's availability for public review in both the Malibu Times and the Los Angeles Times as well as with the California Office of Planning and Research, State Clearinghouse for public agency review. The proposed MND was available locally for public review at the Malibu Public Library and the Malibu City Clerk's Office as well as in the offices of the Conservancy. Copies were available upon request from the Conservancy.

The public comment period ended on November 28, 2003. No public comments were received by the Coastal Conservancy on the MND.

The proposed MND found potential environmental effects of the project in the following areas: cultural resources; noise; and geology and soils. Mitigation measures are included in the project which would effectively mitigate all of the potentially significant environmental effects identified in the MND to avoid or reduce them to a less-than-significant level. See pp. 4-6 of Exhibit 2. A Mitigation Monitoring Program incorporates these mitigation measures. See Exhibit 6.

Staff recommends that the Conservancy find that the proposed Mitigated Negative Declaration attached to the accompanying staff recommendation as Exhibit 2 identifies the project's potential environmental effects and that there is substantial evidence that changes or alterations have been incorporated into the project to avoid, reduce or mitigate those potential impacts to a level of insignificance. Staff also recommends that the Conservancy adopt the mitigation monitoring program contained in Exhibit 6.

Finally, staff recommends that the Conservancy find that there is no evidence before the Conservancy that the project will have a potentially adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2 and that the Conservancy has on the basis of substantial evidence, rebutted the presumption of adverse effect contained in 14 Cal. Code of Regulations Section 753.5(d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2.

On the basis of these findings and determinations, staff therefore recommends that the Conservancy approve the MND attached as Exhibit 2. Upon approval, staff will file a Notice of Determination.



# COASTAL CONSERVANCY

Project Summary

April 27, 2000

## CARBON/LA COSTA BEACH PUBLIC ACCESS DEDICATION

File No. 00-033

Project Manager: Marc Beyeler

**RECOMMENDED ACTION:** Conservancy acceptance of fee title to property seaward of Pacific Coast Highway in Malibu, dedicated in satisfaction of a Coastal Commission permit condition to provide visual and vertical public access to La Costa and Carbon beaches along Santa Monica Bay.

**LOCATION:** Assessor Parcel No. 4451-003-033, 21704 Pacific Coast Highway, Malibu, Los Angeles County (Exhibit 1)

**PROGRAM CATEGORY:** Public Access

**ESTIMATED COST:** The acceptance of the dedication involves staff costs to the Coastal Conservancy. In addition, development of minor public access improvements to allow for safe and controlled public access to the site will involve both staff and capital costs for the Coastal Conservancy. Capital costs are unknown at this time. Conservancy staff will be returning to the Conservancy at the earliest opportunity with a public access management plan, including specific project and construction cost information and long-term ownership and management alternatives.

**PROJECT SUMMARY:** This authorization would enable the Conservancy to accept the dedication of property seaward of Pacific Coast Highway in Malibu to provide visual and vertical public access to La Costa and Carbon beaches along Santa Monica Bay.

The Coastal Commission at its April 12, 2000 meeting approved three Coastal Development Permit Amendments (Permit Nos. 4-99-146-A2, 4-99-185-A, and 4-99-266-A) allowing for off-site mitigation of visual access conditions for the construction of three private residences (Broad, Gamma and Daly) on Carbon Beach in Malibu.

The permit applicants are proposing to satisfy the requirement to provide an alternative location for visual and vertical public access by dedicating to the Coastal Conservancy a private

beach parcel for visual and vertical access at 21704 Pacific Coast Highway just east of Carbon Beach on the western end of La Costa Beach (Exhibit 2).

The Conservancy has sought to open new beach access in Malibu for the last two decades but the lack of appropriate open sites within the densely developed area of Malibu along Carbon and La Costa beaches has contributed to the lack of success in developing new access to these beaches.

Many miles of the Malibu coastline are inaccessible to the public. The proposed access location would provide the only public beach access in almost three miles of coastline. The nearest public beach is approximately 1.3 miles to the west at the Zonker Harris Accessway operated by Los Angeles County. Accepting this beach property for access would create a new opportunity for coastal access in a location of Malibu where public access is limited.



# COASTAL CONSERVANCY

Staff Recommendation

April 27, 2000

## CARBON/LA COSTA BEACH PUBLIC ACCESS DEDICATION

File No. 00-033

Project Manager: Marc Beyeler

### STAFF

RECOMMENDATION: Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31104.1 and 31400 *et seq.* of the Public Resources Code:

"The State Coastal Conservancy hereby accepts the dedication of fee title to real property located at 21704 Pacific Coast Highway, Malibu, (Los Angeles County Assessor's Parcel No. 4451-003-033), as shown in Exhibits 2 and 3 to the accompanying staff recommendation, to provide visual and vertical public access to La Costa and Carbon beaches along Santa Monica Bay in satisfaction of Coastal Commission permit amendments nos. 4-99-146-A2, 4-99-185-A and 4-99-266-A, approved by the Coastal Commission on April 12, 2000, subject to the following conditions:

1. Prior to opening the real property to public access, the Conservancy shall approve a public access management plan, including a site plan for minor public access improvements on the property; and
2. Prior to opening the real property to public access, the Coastal Commission shall approve a coastal development permit for the access improvements described in the site plan."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of Sections 31400 *et seq.* of the Public Resources Code;
2. The proposed project is consistent with Section 31104.1 of the Public Resources Code; and

3. The proposed project is consistent with the guidelines and criteria set forth in the Conservancy's Interim Project Selection Criteria and Guidelines adopted on May 27, 1999."

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#### STAFF DISCUSSION:

**Project Description:** This authorization would enable the Conservancy to accept the dedication of property seaward of Pacific Coast Highway in Malibu to provide visual and vertical public access to La Costa and Carbon beaches along Santa Monica Bay..

**Project Financing:** The acceptance of the dedication involves staff costs to the Coastal Conservancy. However, development of minor public access improvements to allow for safe and controlled public access to the site will involve both staff and capital costs for the Coastal Conservancy. Capital costs are unknown at this time. Staff will be returning to the Conservancy at the earliest opportunity with a public access management plan, including specific project and construction cost information and long-term ownership and management alternatives.

**Site Description:** The proposed property to be dedicated is a vacant ocean front parcel with 80 feet of frontage on 21704 Pacific Coast Highway (PCH) near the intersection of Rambla Vista (Exhibit 3). The property is almost entirely sand with some rip-rap boulders supporting a narrow dirt shoulder to PCH. The property affords access to both La Costa and Carbon beaches; however, access to Carbon Beach is difficult at high tides due to the cobble point formed by the creek outlet at the end of Carbon Beach from Coal Creek. The parcel contains a small amount of dry sand area elevated above the beach profile which may serve as a small staging area for a handicapped beach viewing platform directly in front of street parking located at the curb on PCH.

**Project History:** The Coastal Commission at its April 12, 2000 meeting approved three Coastal Development Permit Amendments (Permit Nos. 4-99-146-A2, 4-99-185-A, and 4-99-266-A) allowing for off-site mitigation of visual access conditions for the construction of three private residences on Carbon Beach in Malibu.

The permit applicants are proposing to satisfy the requirement to provide an alternative location for visual and vertical public access by dedicating to the Coastal Conservancy a private beach parcel for visual and vertical access at 21704 Pacific Coast Highway



### Malibu Access

Serving the over 10 million inhabitants of Los Angeles County, Malibu is an important beach destination of statewide importance. During the past few decades, Los Angeles has experienced tremendous growth that has increased the demand for recreational opportunities. At the same time, the budget constraints of local governments and increased beachfront development have limited beach access opportunities for the public.

Despite these obstacles, the Conservancy has sought to increase public access to Malibu's beaches since 1979. In that year, the Conservancy provided financial assistance that enabled the California Department of Parks and Recreation to open to the public three beaches in western Malibu, the Robert H. Meyer Memorial State Beaches. These three pocket beaches were subsequently opened in the early 1980s. Throughout that decade the Conservancy evaluated developing public access along the Malibu coast at various locations, accepting a limited number of vertical offers-to-dedicate public access.

In 1990, the Conservancy authorized the acceptance of up to \$300,000 from the Coastal Commission's Malibu Beach Access Fund for the operation and maintenance of Malibu accessways. The Conservancy also approved disbursement of funds for the operation and maintenance of one of the Escondido Beach accessways, 27420-28 PCH (Shane/Seacliff). Ultimately the non-profit was unable to assume these responsibilities.

Coastal Conservancy staff continued to search for other management entities. In 1995, the Mountain Recreation and Conservation Authority (MRCA) agreed to maintain the accessway at 27420-28 PCH (Shane/Seacliff) in addition to two other accessways along Escondido Beach, 27390-400 PCH (Geoffrey's Restaurant) and 27900-10 PCH (Chiate[Mancuso]/Wildman). The MRCA was interested in the Escondido Beach accessways because it owned and managed a trailhead and parking facility nearby on Winding Way. The Conservancy authorized the disbursement of \$82,000 from the Coastal Commission's Malibu Beach Access Fund, including the \$50,000 that originally was to go to the Surfrider Foundation to cover management cost. The opening of two of these accessways, Geoffrey's and Seacliff, has been delayed by Coastal Commission permit violations. Conservancy staff is working with Coastal Commission staff to resolve these violations and open these sites as soon as possible. The Chiate[Mancuso]/Wildman easement is currently under evaluation by Conservancy staff for possible development.

In 1996, the Malibu Foundation approached the Conservancy about developing the Adamson site along Malibu Road for public access. In the last few years, the Foundation has completed a preliminary management plan and worked with Conservancy staff to create a conceptual design for access improvements to the site. Most recently, in February 2000 the Conservancy approved funds to undertake pre-project feasibility analyses of the proposed acceptance, construction, and management of public access on the Adamson property.

**PROJECT SUPPORT:** The proposed project is supported by the Coastal Commission. At its April 12, 2000 public meeting, the Commission voted 12-0 to approve the Coastal Development Permit Amendments allowing for the off-site mitigation of the property dedication. Numerous local residents, however, are opposed to the project.

**CONSISTENCY WITH  
CONSERVANCY'S  
ENABLING LEGISLATION:** Public Resources Code Section 31104.1 provides that the Conservancy may accept dedication of fee title required to meet the policies and objectives of the Coastal Act of 1976 (Public Resources Code Sections 30000 *et seq.*)

Public Resources Code Section 31400 provides that it is the policy of the state to guarantee public access and enjoyment of coastal resources. That section also provides that the Conservancy should have a principal role in implementing a system of public accessways to and along the state's coastline.

**CONSISTENCY WITH  
CONSERVANCY'S  
INTERIM GUIDELINES:** The proposed project is consistent with the Conservancy's interim Program Guidelines adopted May 27, 1999, in the following respects:

#### Required Criteria

**Promotion of the Conservancy's Statutory Programs and Purposes:** As discussed above, this proposed project is consistent with the purposes of Division 21 of the Public Resources Code, by accepting the dedication of fee title required to meet the objectives of the Coastal Act and by facilitating the development of new coastal access.

**Support from the Public:** While Malibu access projects have often been opposed by the immediate neighbors, once opened, the sites are enjoyed by other Malibu residents, the majority of



whom live on the inland side of Pacific Coast Highway, as well as visiting southern California residents.

**Location:** This project is located in the Coastal Zone and will facilitate the creation of new vertical beach access.

**Need:** The project is located along a portion of the Malibu coast that does not have adequate vertical access opportunities. The nearest vertical public access to the west is more than one mile. The nearest vertical public access to the east is almost two miles.

**Additional Criteria:**

**Greater-than-Local-Need:** While Malibu may be one of the most famous sections of the California coast, large parts of its coastline are private or are difficult to reach because of development, beach erosion, and the distances between public accessways. It is difficult for inland residents who don't live on the beach to access the coast and even more so for out-of-town visitors. This project will create new access in a heavily visited section of the Malibu coast with inadequate vertical public access.

**CONSISTENCY WITH  
THE COASTAL ACT:**

This dedication is required to meet the policies and objectives of the Coastal Act for visual and vertical access to the California coast, as required by California Coastal Commission permits. Section 30210 of the Coastal Act states that "maximum access . . . shall be provided for all the people." This project will maximum beach access to the La Costa and Carbon beach areas.

This project also is consistent with Section 30214(4) which says "public access policies . . . shall be implemented in a manner that takes into account . . . the need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter." Prior to opening the dedicated land for public access, a public access management plan will be approved by the Conservancy.

Malibu does not have a certified Local Coastal Program at this time. The approved County Land Use Plan, a document used to guide beach planning until the LCP is certified, calls for accessways at every 2,000 feet of beach frontage. The proposed dedication of fee title for public access would open up more than a mile of beach currently inaccessible to the public and provide the only beach access for almost three miles.

## COMPLIANCE

**WITH CEQA:** The acceptance of the dedication of fee title to the property for visual and vertical public access is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations Section 15317, acceptance of fee interests in order to maintain the open space character of the area, and Section 15325, transfers of land to preserve open space. The Conservancy will accept the property with Coastal Commission-required deed restrictions on the use of the property for visual open space access and prohibiting any development except for minor access improvements for the safety of users and nearby residents. Upon approval, staff will file a Notice of Exemption for the project.